

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

KYLE FREISTAT,

Plaintiff,

-against-

DANIEL GASPERETTI and ANTHONY  
ARLISTICO,

Defendants.

Case No. 17-cv-05870 (RPK)(LB)

**DEFENDANTS' PROPOSED VERDICT FORM**

Please mark or write your answers below. Your answers to all questions on this form must be unanimous. Jurors must answer the questions in the order they are presented.

**PLAINTIFF'S CLAIMS**

Question 1:

Has plaintiff proven by a preponderance of the credible evidence that any of the following defendants subjected him to excessive force on July 26, 2017 by either sticking him with closed-fist punches after he was handcuffed or striking him with a police-issued radio after he was handcuffed? Please answer separately for each defendant.

Daniel Gasperetti

Yes\_\_\_\_\_

No\_\_\_\_\_

Anthony Arlistico

Yes\_\_\_\_\_

No\_\_\_\_\_

**If your answer to Question 1 is "No" as to all defendants listed above, your deliberations are finished. Skip the remaining questions. The foreperson should sign the verdict sheet on the last page.**

**If you answer "Yes" to any part of Question 1, please proceed to Question 2.**

**DAMAGES**

Question 2(a):

Has plaintiff proven by a preponderance of the credible evidence that he suffered compensatory damages as a result of being subjected to excessive force?

Yes \_\_\_\_\_

No \_\_\_\_\_

**If you answered “No” please proceed to Question 2(b).**

**If you answered “Yes” please proceed to Question 2(c).**

Question 2(b):

What amount of nominal damages, not to exceed one dollar, do you award plaintiff on his excessive force claim?

\$ \_\_\_\_\_

**Your deliberations are finished.**

Question 2(c):

State the total dollar amount of any actual compensatory damages that plaintiff is entitled to on his excessive force claim:

\$ \_\_\_\_\_

**Your deliberations are now complete. The Foreperson should sign in the space provided below.**

\_\_\_\_\_  
Foreperson

cc: VIA FIRST-CLASS MAIL  
Kyle Freistat (DIN #06-R-4125)  
a.k.a. Joel Burnett (DIN # 19-A-1353)  
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